THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9707 of 2007

Dated: 01-05-2007

Between:

B. Devuli.

..... PETITIONER

AND

The District Collector/Chairman, DRDA, Adilabad District, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9707 of 2007

ORDER:

The Hon'ble Member of Parliament, Adilabad District, placed funds under Mandal Parishad locak area development scheme to first respondent, namely, the District Collector/Chairman, District Rural Development Agency (DRDA). The latter by proceedings dated 05.09.2006 accorded administrative sanction for construction of check dam across local stream near Nachan Yallapur Village, Kadam Mandal, Adilabad District, at an estimated cost of Rs.7,00,000/-. The Gram Panchayat, Nachan Yallapur Village, under the chairmanship of the petitioner as Sarpanch passed resolution on 13.02.2007 allotting the work to one Sri M.V.Ramana, S/o Sai Goud. The Hon'ble Member of Parliament also addressed a letter/UO Note dated 08.12.2006 to first respondent requesting to entrust the work to Sri Peddulu, S/o Papaiah. For a decision on these

two proposals, in April, 2007, a note was put up before first respondent for orders. When the decision is pending, the Sarpanch of the Village has filed instant writ petition seeking a direction to the respondents to allot the check dam as per the resolution of the Gram Panchayat.

The resolution passed by the Gram Panchayat by itself does not create any right to the Sarpanch or the Gram Panchayat. At best it gives a legitimate expectation to M.V.Ramana. If the work is not allotted, the aggrieved person would be only Ramana and not Sarpanch. In that view of the matter, the petitioner has no *locus standi*. Secondly no material is placed before this Court as to under what authority the Sarpanch/Gram Panchayat can allot work to a third party, who is not connected with the executing agency. As per the proceedings of first respondent dated 07.12.2006 which is referred to in the office note dated Nil.04.2007, second respondent, the executive engineer, I & CADD, I.B. Division, Nirmal, Adilabad District, was designated as executing agency. When once the work is entrusted to the executive engineer, it goes without saying necessary tenders have to be called for.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

01st May, 2007
ghn